

United States District Court

NORTHERN DISTRICT OF CALIFORNIA

2007 JUL 25 A 10:44

UNITED STATES OF AMERICA

V.

ISAIAS BARRIGA
a/k/a SANTOS DE LA ROSA, JR.

(Name and Address of Defendant)

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CAL. S.J.

CRIMINAL COMPLAINT

CASE NUMBER:

07 70436**RS**

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 12, 2007 in Monterey county, in the

Northern District of California defendant(s) did, (Track Statutory Language of Offense)

did knowingly make a false statement in an application for a United States passport with the intent to induce or secure the issuance of a passport for his own use contrary to the laws regulating the issuance of passports,

in violation of Title 18 United States Code, Section(s) 1542

I further state that I am a(n) DSS Special Agent and that this complaint is based on the following

Official Title

facts:

Please see attached affidavit

Penalties: 10 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment

NO BAIL WARRANT REQUESTED

Continued on the attached sheet and made a part hereof:

☒ Yes☐ No

Approved
As To
Form:

AUSA: SUSAN KNIGHT

Name/Signature of Complainant:

Sworn to before me and subscribed in my presence,

July 25, 2007

Date

at

SAN JOSE, CA

City and State

HONORABLE RICHARD SEEBORG
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer

Signature of Judicial Officer

DOCUMENT NO	CSA's INITIALS
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DISTRICT COURT CRIMINAL CASE PROCESSING	

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT CHARGING
ISAIAS BARRIGA
a/k/a SANTOS DE LA ROSA, JR.
WITH A VIOLATION OF 18 U.S.C. § 1542

I, Scott Bender, first having been duly sworn, hereby depose and state as follows:

Agent Background and Purpose of Affidavit

1. I am a Special Agent employed by the Diplomatic Security Service (DSS), which is an agency of the United States Department of State. DSS Special Agents are empowered under Title 22, United States Code, Section 2709 to investigate passport fraud.

2. I have a bachelor's degree from the University of Arizona, a master's degree from National University, and am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training Program. Prior to becoming a federal agent, I was employed as a police officer in the Los Angeles area for approximately five years. I have been employed by DSS since January 2006, and have received and continue to receive on an ongoing basis, training in the laws, rules, and regulations concerning passports, visas, and citizenship documents.

3. This affidavit establishes probable cause to arrest Isaias Barriga, a/k/a Santos De La Rosa Jr., for false statements in an application for a United States passport, in violation of Title 18, United States Code, Section 1542. It should be noted that Title 18, United States Code, Section 3291 provides for a ten year statute of limitations for passport offenses. This affidavit does not contain every fact, piece of information or evidence concerning this alleged violation.

Passports in General

4. The Passport Act of 1926, as amended, was in full force and effect throughout the period of this investigation. This Act, codified in 22 U.S.C. § 211a, authorized the United States Secretary of State to grant and issue United States passports under rules prescribed by the President and/or other federal laws. Some of these rules are that a person wanting a United States passport must complete and submit an application to the Department of State and must submit proof of American citizenship, usually a birth certificate, and proof of identity, usually a driver's license, with their application. Another rule allows officers at United States Post Offices and County Clerk Offices to accept passport applications, and to then forward them to the Department of State for processing.

Facts Supporting Probable Cause

5. On July 9, 2007, I received information from the Fraud Program Manager, U.S. Passport Agency, San Francisco, California concerning suspected passport fraud. On that day, I examined the official U.S. Passport Agency records which revealed that on or about April 12, 2007, an individual purporting to be Santos De La Rosa Jr. ("SUBJECT") executed a Form DS-11, Application for U.S. Passport (No. 058463868), at the Watsonville Post Office, which is located in the Northern District of California. SUBJECT submitted a California Drivers License as proof of identity, and a County of Nueces, Texas Birth Certificate as proof of citizenship, along with his passport application. SUBJECT swore an oath before an employee authorized to accept passport applications that "the statements made on this application are true and the photograph attached is a true likeness of me."

6. I have reviewed records, photographs, and a fingerprint on file with the California Department of Motor Vehicles (DMV) for California Driver's License number B7245359 in the name of Santos De La Rosa Jr., which was presented with the aforementioned passport application. I have compared this DMV photograph with the photograph submitted with the passport application and opined that the person in both is one and the same. I submitted the fingerprint on record with the California DMV to the Department of Homeland Security for analysis. This fingerprint analysis revealed that SUBJECT has an arrest record from 1995 in the name of Isaias Barriga. Additional review of this arrest record showed Isaias Barriga's place of birth was Mexico.

7. I have reviewed a death certificate filed in the County of Fresno, California that indicates that the true Santos De La Rosa Jr., born on May, 14 1954 and assigned a Social Security number ending in 4909, died on February 8, 1977 from pneumonia.

8. On July 24, 2007, I, along DSS Special Agent Mike Suau, contacted the person claiming to be Santos De La Rosa, Jr. outside of his residence in Watsonville, California. Special Agent Suau is fluent in Spanish, and spoke to the SUBJECT in Spanish because the SUBJECT was not fluent in English. SA Suau told the SUBJECT that we were agents of DSS, and showed him a copy of the passport application. Special Agent Suau asked him if he recognized the application and signature. The SUBJECT confirmed that it was his application and signature. Special Agent Suau then told the SUBJECT that Santos De La Rosa was deceased, at which time the SUBJECT admitted that his true name is Isaias Barriga, and that he was born in Mexico.

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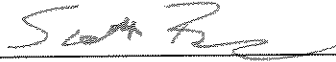
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Conclusion

9. Based on the facts and information detailed in the affidavit, I believe probable cause exists that Isaias Barriga knowingly made false statements in an application for a U.S. passport, in violation of Title 18, United States Code, Section 1542, including when he falsely stated that he was born in Texas and that his name was Santos De La Rosa, Jr.



Scott Bender
Special Agent
Diplomatic Security Service
San Francisco Field Office

SUBSCRIBED AND SWORN BEFORE ME ON July 25, 2007



HONORABLE RICHARD SEEBORG
United States Magistrate Judge
Northern District of California